

3915. Misbranding of chicory. U. S. v. 300 Cases of Chicory: Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5026. I. S. No. 1380-e. S. No. 1666.)

On February 11, 1913, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 23, 1914, a supplemental libel, for the seizure and condemnation of 300 cases, each containing 100 two-ounce packages of chicory, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on January 9 and February 1, 1913, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Scheuer Brand Finest Chicory—Trade Mark—R'g'sted. Manufactured for Georg Jos. Scheuer, Inc., in New York, N. Y.—Introduced in Bavaria, Switzerland, Italy and America—Any Imitations Will be Prosecuted—Georg Josef Scheuer—Contents 2 Ounces," and on margin of label a declaration in German, and the following, to wit, "Seggermann Bros., New York, sole distributors for the United States."

Misbranding was alleged in the libel for the reason that said article of food purported to be a foreign product when not so, in that each of said packages containing the article of food was labeled and branded in substance as set forth above, by virtue of which said label and brand the said article purported to be a foreign product, a product of Germany, whereas, in truth and in fact, the said article of food was not a product of Germany, but had been produced in the city of New York in the State of New York in the United States of America. Misbranding was alleged in the supplemental libel for the reason that said article of food was labeled so as to deceive and mislead the purchaser; further, in that the label on said article of food was misleading in a certain particular, to wit, in that the label was in wording and design an imitation of a certain well-known label, to wit, the label used by Georg Josef Scheuer on chicory manufactured by him at Schoenebeck, Elbe, Germany; further, in that said article of food purported to be a foreign product when not so; and further, in that said article of food was falsely branded as to the country in which it was manufactured.

On November 30, 1914, Georg Josef Scheuer, Inc., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*